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Number 75-32

IN THE SUPREME COURT OF THE UNITED STATES

_____Term, 19____

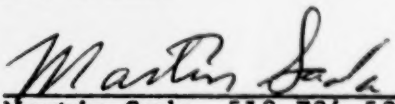
MARTIN SADA, Petitioner

VS.

JAMES ONION, ET AL., Respondents

PETITION FOR WRIT OF CERTIORARI

To the United States Court of Appeals for the Fifth Circuit, being cause numbered 74-3801 and styled Martin Sada Vs. James Onion, et al., therein, and on appeal from the U. S. District Court Number SA74-CA-95 styled Martin Sada Vs. James Onion, et al., Western District of Texas, San Antonio, Texas.



Martin Sada, 512-734-5886
719 Delgado,
San Antonio, Texas 78207
Attorney for myself.

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Counsel of record on 5 May, 1975: Mr. Sidney Callender, 200 Main Plaza, San Antonio, Texas 78204; and, Mr. A. J. Hohman, 301 West Market, San Antonio, Texas 78205.

Number_____

IN THE SUPREME COURT OF THE UNITED STATES

_____Term, 19____

MARTIN SADA, Petitioner

VS.

JAMES ONION, ET AL., Respondents

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

TO THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

Martin Sada, the petitioner herein, prays that a writ of certiorari issue to review the lack of judgment of the United States Court of Appeals for the Fifth Circuit entered in the above cause on or about the 24 day of February, 1975.

## THE OPINION BELOW

There was no opinion below.

I carried my case to the impressively trimmed and decorated, majestic building of granite housing in New Orleans the Fifth Circuit Court of Appeals of the United States of America.

I submitted my appeal to the judges who made me wait outside in San Antonio, and seem to have conducted court like men disabled for civility, dismissing it with their initials!

There was a man here in my neighborhood who lived in a tumbled-down adobe hut. His manners were truly gentle and polite. I would have fared better had I submitted my appeal to him.

## JURISDICTION

Three Judges only, I understant, secretly dismissed my appeal against a conspiracy of State and Federal Judges who had conspired to deny me and others of Mexican descent of our civil rights generally and me especially, putting against me by deceit and fraud and conspiracy a judgment for the amount of $35,000 to ruin me financially and politically, especially politically.

In the lower Federal trial court this Dorwin W. Suttle, a United States District Judge, was capable of inciting mutiny, or more correctly, was capable of inciting forcible, violent insurrection against a corrupt judiciary. His constitutional insolence of office called

court of the United States (and especially so when the Judges and the defendants were cronies), shocks one's conscience! And you, good Gentlemen that I would have you be, are the conscience of the United States! ( In all matters inter se the integrity of the judiciary that touch or could touch upon the purity of justice and due process of law.)

Federal Judge Adrian Spears and State Judges Franklin S. Spears, his nephew, and James Onion conspired to ruin me financially and politically by putting a $35,000 judgment against me, using their courts to do so and the persons who did their bidding.

This is not just a hack judge using the court of the State or Government to

routinely ruin some one, this is much more serious: this is an allegation upon which proof will be made that these Judges conspired inter se to use their courts and court personnel, et al., who do their bidding to put a judgment against me that would ruin me financially and politically.

Similarly, they framed a Mexican-American on a charge who ran for Senate (Flores-Amaya), and they similarly framed and disbarred an Anglo who was not one of them, but who challenged one of them for his public office (Jay Kenneth Brewer).

Traditionally, grievances have been redressed in the judicial branch of government. But when the corrupt judicial politicians are committing the oppres-

sions and wrongs, the grievances---where, traditionally, can a people turn for a redress of their grievances?

Will you tell us to take our grievances before Dorwin W. Suttle?

In matters such as this, it is very easy, it will be very easy, for the people to say you are accomplice to all this; this, of course, they will only whisper.

Will you tell us we have had our day in court before the HONORABLE Dorwin W. Suttle?

Will you tell us that U. S. Judge Adrian Spears and his nephew Franklin S. Spears and the other State Judges have a judicial license, a corrupt judicial politician's license, to oppress us at will?

Again back to Jurisdiction: You have jurisdiction herein on two clear grounds:

(1) Are Federal Judges and State Judges who conspire against individuals and use their judicial powers to do so to ruin them financially and politically, subject to the law or can they with impunity use their judicial powers financially and politically?

(2) Is Article V to the Texas Constitution, and the Legislature's statutes effectuating it, an anti-Republican innovation in violation of Article IV of the United States Constitution? This State Constitutional Amendment and the statutes thereunder, remove from election directly by the people or indirectly through their represenatives the election of all Judges and where their terms

had been for four and six years, their terms have become unlimited, possibly even heritable--this is in the case of "Retired Judges." Here we have in Texas the creation of an unlimited term of office, and by implication it could extend, does extend to the life in being and the heirs of his body, that is it is heritable. Being heritable, it would pass to the heirs of his body, if more than one or subject to division and/or sale and division, it would pass to the heirs of his body. But there being only one office, it has to pass in estate tail, or by the law of primogenature. Notice the necessary use of all these outlawed usages of monarchy!

Call as many subtle sophistries of

law as you can, there has been an anti-Republican innovation toward monarchy in the Texas Constitution, Article V, and the statutes thereunder calling back Judges such as Max Boyer, who held a court in secret on a Saturday where the courthouse was closed, and I was not notified, and you can see the workings of this new Judicial Monarchy.

It is most wrong and anti-Republican to be tried by a non elected--directly or indirectly--Judge whose term of office is unlimited!

Of course, you will think about the Federal Judges who hold office during good behavior. In theory, at least, their terms are limited to good behavior.

In practice, their holding office

during good behavior is a laughing matter. In the almost 200 years of this country, how many have been removed summarily for bad behavior? How many have been removed for any type of behavior?

Otto Kerner would have been able to hold U. S. Court in prison while the House of Representatives passed a law impeaching him and the Senate heard evidence and convicted him. It would be interesting to see publicized just what was threatened or promised to Otto Kerner to get him to resign his Judgeship. And these men, such as Otto Kerner, Dorwin W. Suttle and Franklin S. Spears and his uncle Adrian Spears, Chief Presiding Federal Judge, demand that they

be called HONORABLE, and they insist that they are above the law!

Back to the case at hand in the particular of these conspiring Judges bringing in Max Boyer, a Judge from West Texas, retired, non-elected--directly or indirectly--with a term for life and by reasoning, heritable, to try and dismiss my bill of review to set aside this judgment against me, which he held in secret on a Saturday when the court house was closed and locked to all others---if he even held a trial. This man setting as a Judge under Texas statutes violates my right to a Republican form of Government in the State of Texas.

The right to be tried by an impartial "Natural" Judge is one of the Rights of

Man and is embodied in all extractions of Rights of Man, usually called Charters as contrasted to Constitutions which are a giving of certain rights to a Government by a people, a consenting to be governed in a certain manner.

The pitiful and contradictory Charter of the French of 1815, guaranteed:

"No one shall be withdrawn
from his natural Judges."

In closing on this matter of jurisdiction, the strongest most applicable language to my own case is that found in one of the form books and I quote it for its appropriateness to this my own case: the Fifth Circuit Court of Appeals. . ."has so far departed from the accepted and usual course of judicial

proceedings, or so far sanctioned such a departure by a lower court," ( that of Dorwin W. Suttle) "as to call for an exercise of the Supreme Court's power of supervision."

## STATEMENT OF THE CASE

Adrian Spears, local Federal Judge, Franklin Spears, his nephew, a local State Judge, and James Onion and several other local State and Federal Judge judicial politicians and other local politicians and those who do their bidding have conspired to use their judicial offices and powers and their powers to manipulate those who obey them and do their bidding to deprive me and others of Mexican descent of their civil rights and to keep us from

attaining political, social and financial equality. With me particularily, they conspired and put a $35,000 judgment against me by fraud and deceit to ruin me financially and politically.

REASONS FOR GRANTING THIS WRIT

You, the Supreme Court, tell me and all others in these United States of America, and the rest of the world--the rest of the world that looks to us as the model for Liberty and Justice--you, Honored Gentlemen that I and the rest of the world would have you be--tell us in unequivocal words:

That the law of devine right in Judges has been a custom sanctioned by the Supreme Court of the American people for the past two centuries, and that you accordingly judicially maintain it; and that you maintain that:

Federal Judge Adrian Spears and the

other defendant State Judges herein are absolutely immune from and above the law of the land--not even in quasi or extra judicial matters, so long as they be Federal or State Judges, and:

That neither monarchy, royalty, oligarchy or aristocracy are descriptive terms of a hereditary system founded in usurpation and kept up by family tyranny and injustice, and that none of these forms of government are in conflict with our republican form of government founded on the rights of the people, i. e. our American Constitutional representative System.

Or in the alternative that you interpose by virtue of Article IV, Section 4 of the United States Constitution--"The United States shall guarantee to every state in this Union a republican form of government, . . ." and under this authority pursue and declare null and void as an anti-Republican form of government the entire Section 1-a of Article V of the Texas Constitution, and

all statutes enacted thereunder, as presently amended, and restore to the State of Texas its pre-existent Republican form of Government.

And that you re-declare that the un-American lie and claim of rule by devine right and the absolute immunity of State and Federal Judges such as Adrian Spears et al., from and above the law of the land does not exist in these United States of America.

Patriotically submitted,

Martin Sada

Martin Sada, 512-734-5886
719 Delgado,
San Antonio, Texas 78207

Copies:
Mr. Sidney Callender,
and Mr. A. J. Hohman.

## APPENDIX

(Filed Date Stamp)
U. S. COURT OF APPEALS
FILED
Feb 24'75
Edward W. Wadsworth
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 74-3801

MARTIN SADA,

Plaintiff-Appellant,

versus

JAMES ONION, ET AL.,

Defendants-Appellees,

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Appeal from the United States District Court for the Western District of Texas

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Before THORNBERRY, MORGAN and RONEY, Circuit Judges.

BY THE COURT:

IT IS ORDERED that appellees' motion to dismiss the appeal is granted.

/s/ H T
/s/ LRM
/s/ PHR

## PROOF OF SERVICE

State of Texas
County of Bexar

I, Martin Sada, appellant herein, depose and say that on May 5, 1975, I mailed and served a copy of the foregoing petition for Writ of Certiorari to the United States Supreme Court on James Onion, Et Al., Appellees herein, by mailing copies thereof, in duly addressed envelopes with first class postage prepaid to both A. J. Hohman, at 301 W. Market, San Antonio, Texas 78205 and to Sidney Callender, at 200 Main Plaza, San Antonio, Texas 78204, counsels of record for said James Onion, Et Al.

/s/ M a r t i n S a d a

Subscribed and Sworn
to before me this
21 day of May, 1975.

/s/ Hilmer C. Pingenot
Notary Public in and for
Bexar County, Texas.